

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, AUGUST 19, 1998  
7:00 P.M.**

1. ROLL CALL

Present: Council Members - Johnson, Land, Mann, Pennino and Sieglock (Mayor)

Absent: Council Members - None

Also Present: City Manager Flynn, Deputy City Manager Keeter, Public Works Director Prima,  
Community Development Director Bartlam, City Attorney Hays and City Clerk  
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2. INVOCATION

The invocation was given by Pastor Norm Mowery, First United Methodist Church.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Sieglock.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Police Chief Hansen and Captain Jerry Adams presented a picture and binder displaying all of the police trading cards to Bob Wheeler of General Mills for sponsoring the police trading card project. A presentation of police trading cards was also made to the Mayor, City Council Members and the City Manager for their support in this endeavor.
- b) Christina Wright with the Greater Lodi Area Youth Commission acknowledged Karin Koyama from Lodi High School as the Teen of the Month and A.J. Kawasaki from Tokay High School as the Honorary Teen of the Month.
- c) Mayor Sieglock presented Resolutions of Appreciation to Aaron Lange, Christina Wright, Jessica Williams and Suzanne Radotic, the four students who are retiring from the Greater Lodi Area Youth Commission. Ms. Maragliano, staff liaison to the committee, and adult advisors Ken Mullen, Council Member Pennino and Samir Berbawy wished the students well in their future endeavors. Further, Aaron Lange complimented Council Member Pennino for all he has done for the Commission and presented him with a beautiful plaque.
- d) Nick Pinhey, Immediate Past President of the California Water Environment Association (CWEA), presented Water/Wastewater Superintendent Forkas with the prestigious 1997 Arthur Sidney Bedell Award. A standing ovation for Fran was led by the City Council.

5. RECESS

Mayor Sieglock called for a five-minute recess, and the City Council meeting reconvened at approximately 8:35 p.m.

6. COMMENTS BY THE PUBLIC ON CONSENT CALENDAR ITEMS

- a) Janet Pruss, 2421 Diablo Drive, Lodi, asked questions regarding agenda items #E-4, 6, 12 and 13. Mrs. Pruss expressed her concern for the lack of restroom facilities in Downtown Lodi and the parks. Further, she asked for an explanation on the Utility Rate Reduction and Reform Act and the agreement for a Lodi Conference and Visitors Program.

Public Works Director Prima provided information on the restrooms for the multimodal station indicating that there would be restrooms in the proposed project.

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7. CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, Council, on motion of Council Member Johnson, Land second, unanimously approved the following items hereinafter set forth **except those otherwise noted**:

- a) Claims were approved in the amount of \$2,405,051.29.
- b) The minutes of August 5, 1998 (Regular Meeting) and August 11, 1998 (Special Meeting) were approved as written.
- c) Approved the plans and specifications for Guild Avenue Street Improvements, Vine Street to 660 Feet North of Vine Street and authorized advertising for bids.
- d) Approved the plans and specifications for Lodi Multimodal Station Restoration Project, 24 South Sacramento Street and authorized advertising for bids by the following vote:  
  
Ayes: Council Members - Land, Mann, Pennino and Sieglock (Mayor)  
Noes: Council Members - Johnson  
Absent: Council Members - None
- e) Approved the plans and specifications for a Lodi Lake storage building and authorized advertising for bids.
- f) Approved the plans and specifications for a Recreation Office restroom ADA renovation and authorized advertising for bids.
- g) Approved specifications for Lodi Lake South irrigation materials and authorized advertising for bids.
- h) Adopted Resolution No. 98-124 awarding the purchase of 20,000 feet of #750Kcmil 15kV primary underground conductor to the low bidder, Pirelli Cables of Colusa, California, in the amount of \$67,236.00.
- i) Adopted Resolution No. 98-125 awarding the contract for Type II Slurry Seal for Various City Streets, 1998 to Graham Contractors, Inc. of San Jose, in the amount of \$51,597.90.
- j) Accepted the improvements under the Phase II portion of Civic Center Data / Telecommunication Cabling contract and directed the City Engineer to file a Notice of Completion with the County Recorder's office.
- k) Authorized the City Manager to execute an agreement between the City of Lodi and E. F. Kludt & Sons authorizing access easement across the City's pump station site located at 77 South Cluff Avenue.
- l) Agenda item #E-12 entitled, "Resolution in opposition to Proposition 9 - Utility Rate Reduction and Reform Act" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
- m) Agenda item #E-13 entitled, "Agreement regarding Lodi Conference and Visitors Program" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.

- n) Adopted Resolution No. 98-128 approving the installation of angle parking on the west side of Hutchins Street, between Oak and Walnut Streets.
  - o) Agenda item #E-15 entitled, "Authorize salary adjustments for certain Electric Utility Mid-Management" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
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8. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) Agenda item #E-12 entitled, "Resolution in opposition to Proposition 9 - Utility Rate Reduction and Reform Act".

Electric Utility Director Vallow provided the following report.

In 1996 representatives of the Electric Utility Department, in conjunction with representatives of other municipal utilities, participated in negotiations which resulted in the passage of Assembly Bill 1890 which was signed by Governor Wilson in September 1996. AB 1890 provided a blueprint for transitioning California's electric market to the competitive marketplace. One provision of AB 1890 provided for the sale of \$6 billion of bonds by investor-owned utilities (IOUs) to finance a 10% rate decrease for their residential and small commercial customers. Proposition 9 proposes to invalidate the section of AB 1890 which permits the IOUs to recover their financing costs from the beneficiaries of the financing, while at the same time proposing to give the same customers an additional rate reduction. If this happens, it is likely that the State of California, and ultimately California taxpayers, will be required to repay the bondholders. This means that all California taxpayers, including those who are customers of municipal utilities such as Lodi, would be required to repay those costs, even though they would not benefit from the initiative's promised rate reduction.

If a simple vote of the electorate can stop repayment to bondholders, it will be almost impossible to find anyone to purchase our bonds in the future. The next time that the City of Lodi or the school district attempts to sell bonds to finance construction of a new fire station or a school, it may not be possible to find buyers. The Proposition 9 proposal could also make it extremely difficult for government agencies to access capital markets in the future.

If Proposition 9 is enacted, it is likely that the State Legislature will redraft their plan to open California's electric market. Under the original plan, municipal utilities such as the City of Lodi were given a great deal of discretion as to when and how to open their electric market. There is no guarantee that we would retain that authority in a redrafted plan. The City Council's regulatory authority could be severely eroded.

Organizations opposed to Proposition 9 represent a broad spectrum of interests. They include the California Chamber of Commerce, the Environmental Defense Fund, California Teachers Association, California School Boards Association, California Taxpayers' Association, California Farm Bureau Federation, and the California Organization of Police and Sheriffs. These and many more organizations are concerned about the initiative's negative economic impact on the State of California. The California Municipal Utilities Association, as well as PG&E, has requested that the City of Lodi take an opposition position to this initiative.

Following questions regarding the matter, the City Council, on motion of Mayor Pro Tempore Land, Johnson second, unanimously adopted Resolution No. 98-126 stating the City of Lodi's opposition to Proposition 9, Utility Rate Reduction and Reform Act, which will appear on the November 1998 ballot.

- b) Agenda item #E-13 entitled, "Agreement regarding Lodi Conference and Visitors Program".

City Manager Flynn reminded the City Council that during the August 4, 1998 Shirtsleeve Session, it reviewed options for visitors and conference opportunities. The alternatives included the following:

1. Contract with the Lodi-Woodbridge Winegrape Commission (LWWC) for their services;
2. Contract with the Lodi Chamber of Commerce;
3. Provide the Conference and Visitors Bureau with City staff; or
4. Do nothing.

After reviewing the alternatives, and hearing comments from representatives of the Chamber and the LWWC, the option to contract with the LWWC surfaced as the best solution for creating a Conference and Visitor Program. The LWWC staff members have extensive experience and contacts for marketing the community and have been quite successful with their winegrape promotions. The LWWC and the City, working with the Chamber, will jointly form an advisory committee with representatives from organizations and businesses in Lodi and the surrounding area that have a vested interest in visitor, tourist and conference programs.

The goals of the Program will include promoting community events and activities and assisting visitors with information necessary to make their visit to Lodi a positive experience.

The Program will be a pilot project, funded in part by the City (\$60,000) and in part by the LWWC and others (\$40,000) for a total Program budget of \$100,000. It was recommended that the City fund the Program for two years, with an annual review, and that the Agreement be extended thereafter on an annual basis.

Speaking on the matter was Mark Chandler, Executive Director of the Lodi-Woodbridge Winegrape Commission. Mr. Chandler feels they and local businesses will be able to meet the City's commitment dollar for dollar. Mayor Sieglock asked how this program will be different from what the Chamber of Commerce offered. Mr. Chandler feels they are the only entity in Lodi that has the resources to promote and market this community.

The City Council, on motion of Council Member Pennino, Johnson second, unanimously adopted Resolution No. 98-127 approving the agreement between the City of Lodi and the Lodi-Woodbridge Winegrape Commission for a Conference and Visitors Program and appropriated funds in accordance with staff recommendation.

- c) Agenda item #E-15 entitled, "Authorize salary adjustments for certain Electric Utility Mid-Management".

The following report was presented to the City Council.

Recently, the International Brotherhood of Electrical Workers (IBEW) contract was approved giving the bargaining unit members cost of living and equity adjustments. At this time, no adjustments were given to mid-management personnel who supervise the unit members. As a result, the increases have created compaction of salary between the employees and their respective supervisors. In order to maintain internal equity and salary alignment, it was recommended that the following middle management positions be granted salary adjustments as shown below to be effective July 13, 1998. The salary adjustment granted to Mid-Management employees in January of this year has been considered in setting the salary ranges.

Continued August 19, 1998

Electric System Supervisor:

<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>
\$4,417.67	\$4,638.55	\$4,870.48	\$5,114.01	\$5,369.71

Electric Utility Superintendent:

<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>
\$5,279.98	\$5,543.98	\$5,821.17	\$6,112.23	\$6,417.84

Utility Operations Supervisor:

<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>
\$4,638.55	\$4,870.48	\$5,114.01	\$5,369.71	\$5,638.19

Council Member Mann expressed his opposition to the increase because he feels this is a break in the policy that the City has followed in the past. The Mid-Management Unit should be taken under consideration at one time, and it is unfair to the other mid-management employees in the City. Council Member Pennino expressed the same concerns, and agreed that mid-management should not be separated like this. City Manager Flynn reiterated the reason for the separation was compaction of salary.

Following additional discussion, the City Council, on motion of Mayor Pro Tempore Land, Johnson second, adopted Resolution No. 98-129 approving the following salary adjustments for specific Electric Utility Mid-Managers by the vote shown below:

Ayes: Council Members - Johnson, Land and Sieglock (Mayor)

Noes: Council Members - Mann and Pennino

Absent: Council Members - None

Electric System Supervisor:

<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>
\$4,417.67	\$4,638.55	\$4,870.48	\$5,114.01	\$5,369.71

Electric Utility Superintendent:

<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>
\$5,279.98	\$5,543.98	\$5,821.17	\$6,112.23	\$6,417.84

Utility Operations Supervisor:

<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>
\$4,638.55	\$4,870.48	\$5,114.01	\$5,369.71	\$5,638.19

9. PUBLIC HEARINGS

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Sieglock called for the Public Hearing to consider comments on Public Health Goals Report.

Public Works Director Prima presented a report prepared by staff comparing Lodi's drinking water quality with California EPA's public health goals (PHGs) and the US EPA's maximum contaminant level goals (MCLGs). PHGs and MCLGs are not enforceable standards and no action to meet them is mandated.

SB 1307 (Calderone-Sher; effective January 1, 1997) added new provisions to the California Health and Safety Code which mandate that a report be prepared on or before July 1, 1998. The report is intended to provide information to the public in addition to the Annual Water Quality Report mailed to each customer in April 1998. On July 1, 1998, a public notice appeared in the Lodi News Sentinel to inform any interested party of the Public Health Goals Report and its availability.

The new law also requires that a public hearing be held (which can be part of a regularly scheduled public meeting) for the purpose of accepting and responding to public comment on the report. A notice of public hearing was published in the Lodi News Sentinel on July 18, 1998.

The City's water system complies with all of the health-based drinking water standards and maximum contaminant levels (MCLs) as required by the California Department of Health Services and the US EPA. No additional actions are required or recommended.

Hearing Opened to the Public

1. Jean Thompson, California Rural Water Association, 305 Audubon Drive, Lodi, agreed with the report and that the standards are set at a one in a million chance of getting cancer. She further reported that Lodi has good quality water.

Public Portion of Hearing Closed

**ACTION:**

The City Council, on motion of Mayor Sieglock, Pennino second, unanimously accepted the Public Health Goals Report.

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Sieglock called for the Public Hearing to consider the Planning Commission's recommendation that the City Council adopt a rezone and General Plan Amendment for the publicly zoned portion of 16891 North Lower Sacramento Road from PUB, Public, to R-2, Residential Single-Family, and the requested General Plan Amendment from PQP, Public Quasi Public, to LDR, Low Density Residential.

Community Development Director Bartlam provided the following report to the City Council.

This is a request for a rezone and General Plan Amendment for a school site which is no longer required by the Lodi Unified School District. The school site is a portion of Lodi West Unit No. 5, a 121 single-family residential lot subdivision. Lodi West, Unit No. 5, is approximately 25.4 acres in size and is located at 16891 North Lower Sacramento Road. The project site is generally located north of the residences under construction on Douglas Fir Drive, south of West Elm Street, east of the residences under construction on Elderica Way, and west of Lower Sacramento Road. Unit No. 5 makes up approximately one-third of the total single-family lots approved and allocated for the Lodi West Development Plan.

In December of 1997, the City Council approved the recommendation of the Planning Commission to amend the development plan for Lodi West to integrate 53 additional single-family lots into the original 284 unit development plan creating a new total of 337 lots. The development plan amendment created a single-family subdivision on what was originally reserved as an 11-acre school site. The issue was prompted by the Lodi Unified School District (LUSD) who chose not to purchase the school site and lifted their reservation on the property. As a condition of approval to the development plan amendment, the school site's General Plan land use designation and zoning were required to be amended for consistency with the proposed single-family residential subdivision.

Lodi West, Unit No. 5, has an average lot size of around 6,200 square feet, which is consistent with the proposed rezoning request and with the existing R-2, Single-Family zoning of the surrounding properties. R-2 zoning requires a minimum lot size of 5,000 square feet; all of the proposed lots exceed this minimum. The lots of Unit No. 5 are simply a continuation of the approved Lodi West Development Plan.

The Planning Commission held a public hearing on July 8, 1998 where they approved the Lodi West, Unit No. 5, Tentative Subdivision Map, and recommended approval of this General Plan Amendment, zone change, and certification of Negative Declaration ND-98-04. Given that the school site is no longer reserved by the school district, that there is an approved single-family residential development plan for the site, as well as an approved Tentative Subdivision Map in substantial conformance with the development plan, staff feels the General Plan Amendment and rezone are a formality.

Hearing Opened to the Public

1. There was no one wishing to speak on this matter.

Public Portion of Hearing Closed

**ACTION:**

The City Council, on motion of Council Member Johnson, Pennino second, unanimously adopted Resolution No. 98-130 entitled, "A Resolution Of The Lodi City Council Amending The Land Use Element Of The Lodi General Plan By Redesignating The Publicly Zoned Portion Of 16891 North Lower Sacramento Road, From PQP, Public Quasi Public, To LDR, Low Density Residential" and further introduced Ordinance No. 1663 entitled, "An Ordinance Of The Lodi City Council Amending The Official District Map Of The City Of Lodi And Thereby Rezoning The Publicly Zoned Portion Of 16891 North Lower Sacramento Road, From PUB, Public To R-2, Residential Single-Family".

10. COMMUNICATIONS (CITY CLERK)

- a) On recommendation of the City's Risk Manager and/or the City's contract administrator, Insurance Consulting Associates, Inc. (ICA), the City Council, on motion of Council Member Pennino, Johnson second, unanimously rejected the following claims:

1. Maria Lopez, date of loss 6/12/98
2. Sharon VanSteenberge, date of loss 6/16/98
3. Emil Ernst, date of loss 6/16/98

Speaking on the matter was Janet Pruss, 2421 Diablo Drive, Lodi, who questioned if any of the verified claims were involving sidewalks. Staff replied that they did not.

- b) The City Council, on motion of Council Member Pennino, Johnson second, unanimously made the following appointment:

**San Joaquin Emergency Food and Shelter Board**

Steve Jarrett                      Unspecified term limit

11. REGULAR CALENDAR

- a) Agenda item #H-1 entitled, "Closure of Lodi Avenue, between Stockton and Washington Streets, for car show on Sunday, October 25, 1998".

Public Works Director Prima informed the City Council that The American Steel Car Club will be holding a car show on Sunday, October 25, 1998, to benefit the Adopt-A-Child Foundation. The Club has requested, through an encroachment permit application, to close Lodi Avenue between Stockton and Washington Streets from 6:30 a.m. to 5:30 p.m.

Temporary closure of minor streets has been done a number of times for various activities. However, in this instance, the request is for the closure of a major east-west arterial. Traffic data indicates that on Sundays approximately 8,000 cars use this segment of Lodi Avenue. This is much lower than the typical weekday traffic of 15,000 to 18,000. For the closure of an arterial street like Lodi Avenue to work, effort needs to be put into planning the necessary traffic diversions and signage needed to adequately inform drivers. Therefore, in addition to typical permit conditions, as a condition of approval, the applicant needs to provide a detailed traffic control plan. In this case, traffic will be detoured north to Walnut Street via Stockton and Washington Streets.

The City has no formal policy on temporary street closures. The City's practice is that the Public Works Department approves or denies closures on public streets. Staff generally approves (with conditions) those on minor streets. Closures on major streets or those affecting large areas, such as the Street Faire, are brought to the Council for approval. In Downtown, closures for events sanctioned by the Downtown Lodi Business Partnership are being approved without further Council action.

Following discussion, the City Council, on motion of Mayor Sieglock, Land second, voted to allow the closure of Lodi Avenue, between Stockton and Washington Streets, on Sunday, October 25, 1998, from 6:30 a.m. to 5:30 p.m. for a car show by the American Steel Car Club to benefit the Adopt-A-Child Foundation, subject to appropriate permit conditions by the following vote:

Ayes: Council Members - Johnson, Land, Pennino and Sieglock (Mayor)

Noes: Council Members - Mann

Absent: Council Members - None

12. ORDINANCES

- a) (Council Member Johnson vacated his seat and was, therefore, absent during the discussion and voting of the following item.)

Ordinance No. 1661 entitled, "An Ordinance Of The City Council Of The City Of Lodi Amending Title 16 - Subdivisions, By Adding Chapters 16.22 And 16.23 To The Lodi Municipal Code Relating To The Merger Of Contiguous Parcels And Lot-Line Adjustments" having been introduced at a regular meeting of the Lodi City Council held August 5, 1998 was brought up for passage on motion of Mayor Sieglock, Pennino second. Second reading of the ordinance was omitted after reading by title, and the ordinance was then adopted and ordered to print by the following vote:

Ayes: Council Members - Land, Mann, Pennino and Sieglock (Mayor)

Noes: Council Members - None

Absent: Council Members - Johnson

*Continued August 19, 1998*

- b) Ordinance No. 1662 entitled, "An Ordinance Of The City Council Of The City Of Lodi Amending Title 15 - Buildings And Construction, Of The Lodi Municipal Code By Adding Chapter 15.31 Relating To Weed And Refuse Abatement" having been introduced at a regular meeting of the Lodi City Council held August 5, 1998 was brought up for passage on motion of Mayor Sieglock, Land second. Second reading of the ordinance was omitted after reading by title, and the ordinance was then adopted and ordered to print by the following vote:

Ayes: Council Members - Johnson, Land, Mann, Pennino and Sieglock (Mayor)  
Noes: Council Members - None  
Absent: Council Members - None

13. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

There was no one wishing to speak on this matter.

14. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- a) City Manager Flynn announced that Lodi will have visitors from its Sister Cities, Kofu, Japan, and Lodi, Italy, from August 19 - 21, 1998.

Further, Mr. Flynn announced that John Sprouse with the Electric Utility Department recently participated in the San Francisco marathon.

- b) Council Member Pennino indicated that he would like an update regarding the Band Review route. He questioned if staff has attempted to bring the route through downtown Lodi, because he feels it is a great part of tourism.
- c) Council Member Johnson informed the public that the Lodi Tokay Rotary Club's current project is the revamping of the front of Lodi Lake.
- d) Mayor Sieglock expressed condolences to Assemblyman Machado and his family for the loss of his son.

The East Side Improvement Committee is having a concert on Sunday, August 23, 1998 at Hale Park. The performer is Hollywood Recording Artist Brian O'Neal.

Further, the Tokay Players will be performing at the Thomas Theater at Hutchins Street Square Performing Arts and Conferencing Center.

15. CLOSED SESSION

Mayor Sieglock announced that there was no need to discuss the following Closed Sessions:

- a) Conference with labor negotiator: Government Code §54957.6. Agency negotiator, Joanne Narloch. Employee organization, Lodi Police Dispatchers Association (LPDA)
- b) Conference with labor negotiator: Government Code §54957.6. Agency negotiator, Joanne Narloch. Employee organization, San Joaquin Public Employees Association (SJPEA) for Maintenance and Operators

*Continued August 19, 1998*

16. ADJOURNMENT

There being no further business to come before the City Council, Mayor Sieglock adjourned the meeting at approximately 9:05 p.m.

ATTEST:

Alice M. Reimche  
City Clerk